Discipline & IDEA



Safe & Orderly Learning Environment

All students must be accountable for their behavior

If student's behavior and disability are related, that student is held accountable in a different way. Behavior that interferes with the learning of the student or others must be addressed in IEP.

The FAPE-Free Zone

A student under IEP may be excluded from school for up to 10 days in the same way and for the same reasons any student would be for an infraction of the school's code of conduct.

The 11th Day Rule

On the 11th day, the IEP student must receive FAPE.

- Removal of more than 10 days is a change of placement.
- The 10 days are either consecutive or cumulative (if the removal constitutes a pattern.)

Fewer than 10 days = short term removal

- No educational services (FAPE) required
- Not a change of placement
- No manifestation determination required
- No functional behavior assessment or behavior intervention plan required

More than 10 days = long-term removal

Student must receive services determined to be necessary for student to progress in the general curriculum and advance toward IEP goals.

IEP team must meet!

IEP Team Considerations

- ManifestationDetermination
- FBA
- BIP
- Placement (IAES if IDEA safe school)

- Review IEP and make any needed changes
- More assessment data needed?
- Review additional data

Manifestation Determination

- What is the relationship between the student's disability and the behavior?
- If none, follow usual discipline procedures, but...
 - Appropriate educational services (FAPE) must be provided on the 11th day anyway.
- If no relationship, school personnel determine what FAPE needs to be.

Manifestation Determination

- If the conduct in question was the direct result of the local educational agency's failure to implement the IEP (remember BIP is part of the IEP.) 20 U.S.C. 141(k)(1)(E)(i)(II).
- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability. 20 U.S.C. 141(k)(1)(E)(i)(I).

Interim Alternative Educational Setting (IAES)

- Safe Schools violations: up to 45 days to IAES if drugs or weapons
- Hearing officer decides if dangerous behavior
- Provide FAPE
- IEP team meets during the 45 day period to review IEP and placement
- All long-term requirements apply

Can you FUBA? Do you BIP?

- Functional Behavior Assessment
 - What is the purpose of the behavior?
 - When, where and with whom does it occur?

- Behavior Intervention Plan
 - Identify problem behavior
 - Select intervention
 - Teach replacement
 - Maintain positive supports

The LRBI Rule is your friend!

Prevention

Intervention

Emergency procedures

Resources

Next up...

Ten Top Tips

#10: Digest IDEA discipline rules



- Handout
- Golden rules
- Ask special ed staff
- Call district office

#9: Identify students who have IEPs

- Those who have IEPs
- Those who should have IEPs



#8: Systematize record keeping

- Keep track of days of removal
- Include brief notes of what happened
- Who will do that?
- Where will record be kept?

#7: Concentrate on real issues

Is the behavior really dangerous or disruptive?



#6: Inform the parent

Inform parents early and often about behavioral concerns

#5: Plan behavior interventions



- Part of IEP as goals/objectives
- BIP
- Proactive
- Anticipate behavior issues
- Teach appropriate behavior

#4: Limit expectations for punishment

Problems with zero tolerance

 Punishment is not a very effective way to change behavior

- You can't scare most students into behaving
- Coercion doesn't work

#3 IAES

Think how you will manage this ahead

What are your options

How provide FAPE there

#2:

Notice patterns of behavior and address them in the IEP/BIP.

#1 tip for special education discipline

Establish a system of positive behavioral supports in your school!!

Top Ten Tips

- Digest IDEA
- Identify students
- Systematize records
- Concentrate on issues
- Inform parent

- Plan interventions
- Limit punishment
- IAES
- Notice patterns
- Establish PBS